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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,296	04/14/2005	Sven Brauers	360/001	6356

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SUITE B  
TIJERAS, NM 87059-7507

EXAMINER

AVILA, STEPHEN P

ART UNIT PAPER NUMBER

3617

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/524,296	Applicant(s) BRAUERS ET AL.	
	Examiner Stephen Avila	Art Unit 3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-45, 47-53, 55-66, 68-74, 76-84 is/are rejected.
- 7) ☒ Claim(s) 46, 54, 67 and 75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>021105</u>  | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 43-45, 47-53, 56, 58, 59, 61, 64-66, 68-74, 77, 79, 80 and 82 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Scharl. Scharl discloses a method and apparatus with a surfing device including a board-like body having a foam core 1, an upper side and a lower side, with said foam core is encased in laminate (including 9), wherein at least an edge region of at least one of a front longitudinal end, a rear longitudinal end, a left side, and a right side of said board-like body is provided with at least two woven laminate plies, and wherein at least one of said plies extends from said upper side to said lower side, or vice versa, about a profile of a corresponding end or side. Not Scharl additionally discloses a polystyrene foam core (column 2, line 38), resin (column 2, line 59), and epoxy (column 2, line 64).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 55 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharl in view of Hamilton. Scharl does not disclose the fiber layer being of linen. Hamilton teaches a linen fiber layer (note column 9, line 8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Scharl with a linen fabric layer for improved strength as taught by Hamilton.

5. Claims 57 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharl in view of Moran. Scharl does not disclose the foam being closed cell. Moran teaches a closed cell foam core 20. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Scharl with a closed cell foam core as taught by Moran for improved strength.

6. Claims 60 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharl in view of Belousofsky. Scharl does not disclose the fiber layer being of linen. Belousofsky teaches a system that is dust free (note column 8, line 56). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Scharl being dust free for improved quality control as taught by Belousofsky.

7. Claims 62, 63, 83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharl in view of Phillips et al. Scharl does not disclose UV resistant material. Phillips et al teach a UV resistant material (note claim 10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Scharl with UV resistant material for improved durability as taught by Phillips et al.

8. Claims 46, 54, 67, and 75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 571-272-6678. The examiner can normally be reached on Monday to Thursday from 7 AM to 3 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Avila  
Primary Examiner  
Art Unit 3617

*Avila*  
*7/16/06*

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